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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement* submitted by the Palestinian Centre for Human Rights (PCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

The Palestinian Centre for Human Rights (PCHR) and LAW – the Palestinian Society for the Protection of Human Rights and the Environment – condemn Israel's continued belligerent occupation of the Occupied Palestinian Territories (OPT) and its illegal settlements, which together constitute a basic denial of the right of the Palestinian people to self-determination. The internationally recognised right of the Palestinian people to self-determination includes the establishment of a viable and independent state on territories occupied by Israel in 1967. Yet under the Oslo accords, 82% of the OPT remains under direct Israeli military control. Moreover, Israeli settlement policy makes the establishment of a future state increasingly difficult and unlikely, undermining the likelihood that a two-state outcome to the conflict will be sustainable. Both the occupation and settlement policies have continued unabated throughout the Oslo framework negotiations and the al-Aqsa Intifada alike. Moreover, the occupation is and will continue to be the primary source of violence, terrorism, and instability in the region.

There are approximately 400,000 Israeli settlers in the OPT, including east Jerusalem, in violation of Article 49 of the Fourth Geneva Convention. The Israeli government has followed a policy of settlement construction and expansion, providing generous subsidies and benefits to encourage settlement, and issuing firearms to settlers. Although all settlements in the OPT, including east Jerusalem, are illegal under international humanitarian law, the Israeli government uses them to justify their continued military occupation of the West Bank and Gaza strip. Various methods of ethnic cleansing have been used to cleanse the West Bank (including East Jerusalem) and Gaza Strip of Palestinians and to confiscate more land and property to make way for settlements and increasing numbers of Jewish Israeli citizens in the OPT.1

Disruption of territorial contiguity and international isolation

Israeli settlements are scattered throughout the OPT and many of them are located in strategic areas on hilltops and between Palestinian communities. According to satellite data, there are 308 Jewish built-up areas in the OPT, excluding military sites.2 These areas cover 150.2 square kilometers, but are surrounded by larger amounts of empty confiscated lands reserved for future expansion. Settlements are linked to each other and to Israel by a series of "bypass roads" patrolled by the Israeli military and strictly off limits to Palestinians. In the West Bank alone, there are 340.8km of bypass roads, covering an area (with buffer zones on either side) of 51.5 square kilometers. Moreover, at least 25 new settlements were built in the West Bank alone between February and October 2001.3 Settlements, military bases, and "bypass roads" divide the West Bank into at least 64 Palestinian bantustans, while the Gaza strip has been separated into at least three segments. In addition, Israel retains control over all of the OPT's borders under the Oslo accords, thus isolating them from neighbouring Jordan and Egypt. Any final agreement which does not rectify this situation will undermine the viability of a future Palestinian state.

Jerusalem

Israel's unilateral annexation of east Jerusalem and a surrounding area of 70 square kilometers is illegal under international law. The Palestinian right to an independent state on territories occupied in 1967 includes the right to establishing a capital in east Jerusalem. Thus, illegal

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1 Please see PCHR and LAW's joint intervention on racism and racial discrimination, item 6.
2 GIS database, ARIJ 2000, www.arij.org.
3 MIFTAH factsheet on settlements, www.miftah.org.

Israeli policies intended to "Judaise" east Jerusalem and ethnically cleanse existing Christian and Muslim Palestinian communities take on an added gravity. Such practices include: building Israeli settlements and roads to cut off Palestinian neighbourhoods from the West Bank, withdrawing identity cards for Palestinian residents of the city, and demolishing Palestinian homes on the pretext that they were built without a permit, even though discriminatory housing regulations make obtaining such permits nearly impossible, as recognised by the Committee on Economic, Social, and Cultural Rights.4 On 8 July 2001, Israeli authorities demolished 17 homes in the Shu'fat refugee camp in east Jerusalem, 200m east of the "Pisgat Ze'ev" settlement, leaving more than 120 people homeless.

Expropriation of water

Regarding the sharing of water resources, Israel diverts water resources in the West Bank and Gaza strip for Israeli use. According to the Palestinian Hydrology Group, Palestinians in the OPT are allowed to use only 12.5% of the renewable water resources of the West Bank and Gaza strip, while the rest is diverted to Israel or used in illegal settlements in the OPT.5 Israelis thus consume 4 times as much water per capita as Palestinians in the OPT. Not only does this deprivation of water negatively affect Palestinians as individuals, but the diversion of water reserves, a vital communal resource, poses a major environmental, health, and economic challenge that would be a pressing concern for any future Palestinian state.

Restrictions on movement

Israel has dramatically tightened its closure of the borders of the OPT during the al-Aqsa Intifada, making travel to Israel, neighbouring countries, or between the West Bank and Gaza strip almost impossible. It has also imposed a severe siege around Palestinian villages, towns, and refugee camps, drastically limiting movement *within* the OPT. Movement restrictions have contributed to the decimation of the Palestinian economy, which contracted by 50% during the last quarter of 2000, leading to a sharp rise in unemployment and poverty rates6, and increased reliance upon humanitarian agencies.7 Siege and closure disrupt all aspects of social and economic life, including the functioning of Palestinian National Authority (PNA) institutions. The Palestinian Legislative Council (PLC) has been unable to meet, Palestinian police have been unable to carry out their duties in full, and the ministries and judiciary have virtually ceased to function. The economic damage caused by the siege and closure policy will take years, if not decades, to repair, and the institutions of the PNA have been further damaged by military attacks, including airstrikes, on civilian infrastructure. By crippling the Palestinian economy and restricting movement, Israel's siege and closure policy paralyze and undermine nearly all Palestinian institutions, whether in the business, health, education, civil society sectors, or the PNA itself.

Destruction of infrastructure

Israeli occupation forces have caused widespread destruction and damage to civilian infrastructure in the OPT, especially in PNA-controlled areas. Dozens of PNA police installations and prisons have been shelled, demolished, or bombarded. Indiscriminate Israeli shelling has damaged or destroyed a number of power relay stations, depriving communities of

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4 "Concluding observations of the Committee on Economic, Social, and Cultural Rights: Israel" (E/C.12/1/Add.27), 4 December 1998, para. 22

5 "Israeli aggression against Palestinian water sector during al-Aqsa Intifada," www.phg.org.

6 Economic reports by the Office of the United Nations Special Coordinator, www.unsco.org.

7 See report of LAW and other NGOs submitted to UN Special Rapporteur for Food and Water, 1 November 2000, available at www.lawsocietyorg.

electricity (the OPT depends exclusively on electricity from Israel). Key elements of the transportation sector have also come under attack. Israeli bulldozers and fighter aircraft attacked the Gaza international airport on 12 December 2001, destroying the radar tower and rendering the runway unusable. A later attack in January 2002 destroyed the runway beyond repair. The airport is a Palestinian civilian facility but is under Israeli military control. On 17 September 2001, Israeli forces attacked the Gaza seaport, where construction had already been stopped, destroying at least one building clearly marked with flags of EU donor countries. As part of its policy of besieging Palestinian communities, Israeli forces have dug trenches around towns and villages in the West Bank, physically cutting roads. Repairing the damage done to physical infrastructure of the OPT by the Israeli military will be both expensive and difficult, placing a major burden on a future Palestinian state and severely undermining its ability to carry out basic functions, such as maintaining air and sea links and facilitating internal movement.

PCHR and LAW call upon,

The government of Israel

- To immediately apply all provisions of the Fourth Geneva Convention in the OPT, *de jure* and *de facto*, and to comply with UN resolutions demanding a full withdrawal from Palestinian territories occupied in 1967.

- To publicly commit to full cooperation in efforts to establish a viable Palestinian state in accordance with international law and international humanitarian law, and devote the resources necessary to assist in undoing the obstacles to this goal established as part of the occupation.

- To immediately dismantle all settlements in the OPT, including those in east Jerusalem, and ensure the expeditious and orderly transfer of settlers back into Israel.

- To immediately end all financial benefits and other government incentives encouraging illegal settlement in the OPT.

- To end all movement restrictions within the OPT and allow normal traffic through international border crossings.

- To effectively investigate, prosecute, and punish those suspected of unlawfully killing Palestinians in the OPT, especially settlers, and, in accordance with Article 146 of the Fourth Geneva Convention, all officials found to have ordered willful killings.

- To accept the presence of an appropriate international protection mechanism for Palestinian civilians in the OPT and to extend full cooperation to it.

The international community, including the High Contracting Parties to the Fourth Geneva Convention,

- To take immediate steps to ensure Israel's *de jure* and *de facto* implementation of the Fourth Geneva Convention in the OPT and its recognition of the Palestinian right to self-determination, including the right to establish a viable and independent state on the territories occupied in 1967.

- To immediately deploy an independent international protection presence to protect

Palestinian civilians and prevent further grave breaches and other violations of the Convention and other international human rights standards in the OPT.

- To recognize and implement the obligations of the High Contracting Parties to the Fourth Geneva Convention under Article 146 to

    - enact legislation to provide effective penal sanctions for persons committing, or ordering to be committed, grave breaches of the Convention.

    - search for and bring to trial, in accordance with international standards, persons alleged to have committed, or have ordered to be committed, grave breaches of the Convention, in conformity with the universal jurisdiction over grave breaches recognised by the Convention.

- To establish a War Crimes Tribunal to prosecute those Israelis responsible for perpetrating war crimes in the OPT

- To immediately end all transfers of arms and military equipment to Israel, and to pressure other states to do so.

- To immediately implement all signed agreements and domestic legislation that are contingent upon Israel's compliance with international human rights standards, including suspension of the Euro-Israeli Association Agreement.

- To impose economic, oil, trade, diplomatic and other sanctions individually or collectively, in a graduated and cumulative manner (with the exception of the provision of medical aid, foodstuffs and other humanitarian goods and services).

- To restrict bilateral trade relations with Israel, especially regarding the import of products made in Israeli settlements in the OPT.